of 22½ per cent for SCs and STs. The overall reservation comes to 49½ per cent. So far as the handicapped persons are concerned, the Ministry says that there is a reservation of 3 per cent. In view of the Supreme Court order, they will impose restriction. Therefore, this office memorandum has to be changed. They should approach the Supreme Court. Will they do it?

SHRIMATI MARGARET ALVA: Madam, we have been concerned about the Supreme Court judgement on the Mandal question. I must tell the hon. Member that there are two specific paragraphs in the judgement which is with me. One is paragraph 59 and the otder one is paragraph 95 which has specifically dealt with the question of reservation for the handicapped and other sections. There are two suggestions which have been made by the Supreme Court. One is that within each category itself, handicapped persons belonging to that category should be fitted into the category of the reserved quota, that is, for the Scheduled Castes and Scheduled Tribes and for the backward classes interlocking of the reservation. And, when it comes to the general category, there should be a three per cent reservation within that category also. The Supreme Court has also pointed out in this judgement that in the case of Article 16(4), it is not exhaustive and in very exceptional cases like in the case of the handicapped, there might be provisions to go beyond 50 per cent, in case of need, where it can be justified. So, the matter has received the attention of the Supreme Court in the judgement itself.

THE DEPUTY CHAIRMAN: Question No. 104.

SHRI SATYA PRAKASH MALAVIYA: That is why I say that this office memorandum of 1st April . . . (*Interruptions*).

SHRIMATI KAMLA SINHA: Question No. 104.

THE DEPUTY CHAIRMAN: Just a second. He is suggesting something.

SHRI SATYA PRAKASH MALAVIYA: The office memorandum itself says, ". . . such number of vacancies to that extent required shall be reserved for the physically handicapped after adjusting the fresh and carry forward reservation for SCs/STs but subject to the overall 50% ceiling as laid down by the Supreme Court."

उपसभापति: आप उन्हें समझा दीजिएगा।

श्री सत्य प्रकाश मालवीय: वे समझ गई हैं।

SHRIMATI MARGARET ALVA: Madam, I agree that there is an overall limit of 50 per cent. But if the interlocking is done within the categories, then the problem of going beyond 50 per cent will not arise. But, if at any time, there is a little extra which has to be accommodated, the Supreme Court has said that provision can be made by government notifications.

THE DEPUTY CHAIRMAN: Question No. 104.

**Import of watch components by HMT**

*104. DR. BAPU KALDATE:
SHRIMATI KAMLA SINHA:†

Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that the HMT, Bangalore, has been heavily fined by the customs authorities for its involvement in illegal import of watch components through the ancillary units which could be termed as "smuggling";

(b) if so, what are the details thereof;

(c) whether Government have made any inquiry into such import of the watch components and against the officials involved in it; and

(d) if so, what is the outcome thereof stating the action taken/proposed to be taken by Government in the matter?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (DEPARTMENT OF INDUSTRIAL DEVELOPMENT) AND THE MINISTER OF STATE

†The question was actually asked on the floor of the House by Shrimati Kamla Sinha.

IN THE MINISTRY OF INDUSTRY (DEPARTMENT OF HEAVY INDUSTRY) (SHRIMATI KRISHNA SHAI): (a) to (d) The Collector of Customs, Bangalore has issued orders imposing penalty and redemption fine of Rs. 97.75 lakhs, besides the duty leviable, on HMT for alleged illegal import of watch components by it through local vendors and watch manufacturers in the organised and small scale sectors. HMT has filed appeals against these orders before the Customs, Excise and Gold (Control) Appellate Tribunal, Madras. The matter is presently *sub judice*.

SHRIMATI KAMLA SINHA: Madam, in the reply, the Minister has said that the matter is *sub judice*. That means we cannot have a proper answer in the House.

THE DEPUTY CHAIRMAN: The answer which she has given answers your question.

SHRIMATI KAMLA SINHA: She says that the matter raised by me is *sub judice*. My first supplementary is this. I would like to know from the Government whether the Government will start an inquiry into this alleged illegal import of watch components through the ancillary units and whether it will lay the reports emanating from the inquiry on the Table of the House.

**श्रीमती कृष्णा साही** : उपसभापति महोदया, प्रश्न जो इन्होंने किया है, वह अखबार में "इंडियन एक्सप्रेस" में निकला है, उसी के आधार पर इन्होंने कहा है। तो हकीकत यही है, जैसा मैंने उत्तर दिया है कि यह मेटर सब-ज्युडिस है, लेकिन इन्होंने कहा कि प्रशासनिक जांच, गवर्नमेंट इन्क्वायरी कराएगी या नहीं ? तो इन्क्वायरी तो छान-बीन के बाद ही होगी । सरकार इनका अध्ययन कर रही है क्योंकि आर्डर अभी तुरंत प्राप्त हुआ है और इसमें कानूनी और बहुत से टेक्निकल आसपेक्ट हैं, इस पर विचार किया जाएगा और विधि मंत्रालय की भी इसमें राय लेनी हो सकती है उसके बाद ही इस पर कोई कार्यवाही की जा सकती है। मैं समझती हूं कि अभी इस पर कुछ भी टिप्पणी करना या कहना उचित नहीं जान पड़ता।

**श्री मोहम्मद सलीम** : छान-बीन के बाद इन्क्वायरी का मतलब क्या है ?

**उपसभापति** : अंग्रेजी का ट्रांसलेशन ठीक नहीं था, तो उन्होंने छान-बीन भी कहा और इन्क्वायरी भी इसलिए कहा कि कुछ कन्फ्यूजिन्केशन बराबर रहे।

**श्रीमती कमला सिन्हा** : उपसभापति महोदया, ये रेड 1990-91 में हुए हैं और लगभग तीन साल हो रहे हैं, अभी तक सरकार कहती है कि हमारे पास रिपोर्ट अभी आई है, हम देखेंगे, जांच करेंगे, तब हम उसकी इन्क्वायरी वगैरह कराएंगे। तो इस तरह से तो काम नहीं चलेगा सरकार की नीयत साफ नहीं है। सीधे-सीधे हमने आपसे प्रश्न पूछा है कि लगभग एक करोड़ रुपए की घपलेबाजी है, स्मगलिंग है, तो सरकार इस पर क्यों पर्दा डालना चाहती है ? क्यों नहीं सरकार इस पर इम्मिजिएट डिपार्टमेंटल इन्क्वायरी कराना चाहती ?

THE PRIME MINISTER (SHRI P. V. NARASIMHA RAO): Madam, there is a procedure. Something has been caught. The case is going on. An appeal has been filed. That is how it happened. Everything does not come to me or her. So, if the Tribunal says that there is something to be investigated, something to be enquired into, we will certainly do it. They will probably assign this work to someone. What is *sub judice*? We have to understand that we cannot really make any observation on what is *sub judice*. Apart from that, in the part which is not *sub judice*, if in that portion, and if there is any such portion, a complaint comes to us, we will certainly look into it ; there is no problem about that.

SHRI S. JAIPAL REDDY: Madam, the Collector, Customs, has already investigated the matter and passed an order. Is the Government supporting the Collector before the Customs Tribunal or not? If

the Government is supporting the Collector, then the Government must take its viewpoint. (*Interruptions*).

THE DEPUTY CHAIRMAN : Order.

आप बैठिए। (व्यवधान)

I won't permit this. ... (*Interruptions*) ... No; not in the Question Hour.

आप बैठिए। मंत्री जी को बोलने दीजिए। (व्यवधान) बोलिए।

Let the Minister answer. ... (*Interruptions*)

SHRI MADAN BHATIA : The Government does not come into the picture. ... (*Interruptions*) ...

श्रीमती कृष्णा साही : उपसभापति महोदया, एक पक्ष कस्टम विभाग का है और दूसरा पक्ष-एच० एम० टी० जब अपील में चला गया है तो उसकी भी सुनवाई होगी। एक कलक्टर हैं, तो उन्होंने कहा कि कुछ नोटिफाइड चीजें थीं, जो स्मगलिंग की थीं। दूसरे ने उसको कहा कि नहीं, नोटिफाईड नहीं थीं। उसकी 80 से लेकर 100 पन्ने की रिपोर्ट है, जो अभी नवम्बर में प्राप्त हुई है। तो बिना जानकारी के हम कैसे कहेंगे कि एच० एम० टी० के खिलाफ कार्रवाई करेंगे या नहीं करेंगे। अभी इसमें कुछ भी कहना उचित नहीं होगा। सरकार की जो प्रक्रिया है, उस प्रक्रिया के तहत काम होगा। अगर गलत पाया जाएगा तो सरकार डिपार्टमेंटल इंक्वायरी भी करा सकती है।

THE DEPUTY CHAIRMAN : Q. No. 105. Civil Aviation ... (*Interruptions*) ... Mr. Jaipal Reddy, I have said, Q. No. 105, Civil Aviation. The plane has taken off already.

SHRI S. JAIPAL REDDY : The Government is misleading. The Collector passed an order on behalf of the Government. And if the order of the Collector has been challenged by the HMT, the Government must have its own position to take ... (*Interruptions*) ...

THE DESPUTY CHAIRMAN : Mr. Jaipal Reddy, let us have another Question, 105.

**Proposal for Doubling the Route Navigation Charge**

*105. SHRI SHIV PRATAP MISHRA : Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state :

(a) whether Government have a proposal under their consideration to double the route navigation charge for aircraft flying over Indian sky ;

(b) if so, the details thereof ; and

(c) the revenue is likely to be earned as a result thereof ?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD) : (a) to (c) Proposal for enhancing Route Navigation Facility Charges (RNFC) is under discussion between National Airports Authority and User Charges Committee of the International Air Transport Association. Preliminary discussions were held on 21st September, 1993. Another round of discussions are likely to be held this month. Decision on enhancement of RNCF will be taken thereafter.

SHRI SHIV PRATAP MISHRA : Madam, through you, I would like to know from the hon. Minister of Civil Aviation and Tourism the reasons why the National Airports Authority is contemplating to have more route navigation charges. Is it possible for the National Airports Authority to revise the rates without the consent of the International Air Transporters Association ?

SHRI GHULAM NABI AZAD : Madam, as far as the second part is concerned—I will reply to the first part also—we have said that the first meeting had taken place between the National Airports Authority and the Users Charges Committee of IATA. As far as the provisions of IATA are concerned, we need to consult or there should be a consultation between the IATA and the National Airports Authority and they should come to an agreement but the document also says that if the Users' Committee and the National Airports Authority, or for that matter any other country, do not arrive at any agreement, in that particular country and in our country the National Airports Authority and the Government are free to increase the fee.